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April 2, 2024

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VIA ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 11D
New York, New York 10007
CastelNYSDChambers@nysd.uscourts.gov

Re: Fairstein v. Netflix, Inc. et al., 20-cv-8042 (PKC)

Dear Judge Castel:

We represent Defendants in the above-captioned matter, and write regarding the upcoming pretrial conference on April 3, 2024. We are prepared to address any issues the Court may wish to raise at the conference. In the event that the Court may wish to prioritize certain of the pending pretrial motions at the conference, and in accordance with Section 3(F) of Your Honor's Individual Practices in Civil Cases, Defendants respectfully request that the Court prioritize oral argument on the following motions:

- Plaintiff's Omnibus Motion *in Limine*
 - I. Irrelevant and Prejudicial Scenes From "When They See Us" Should Be Excluded
 - II. Defendants Should be Precluded from Relitigating the Central Park Jogger Case
 - V. Evidence and Arguments Concerning The "Essence of Truth" Should Be Precluded
 - VI. Fairstein's Private Emails Should Be Excluded
- Plaintiff's Motion to Exclude Certain Testimony and the Expert Report of Defendants' Rebuttal Expert David P. Kaplan
- Plaintiff's Motion to Exclude the Testimony and Expert Report of Defendants' Rebuttal Expert Anthony Freinberg



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- Plaintiff's Motion to Preclude Berry Welsh from Testifying about Irrelevant and Prejudicial Topics at Trial
- Defendants' Motion *in Limine* No. 1: Motion to Have the Jury View the Series Before Opening Statements
- Defendants' Motion *in Limine* No. 2: Motion to Bifurcate and Exclude References to Punitive Damages
- Defendants' Omnibus Motion *in Limine* Regarding Plaintiff's Purported Experts
- Defendants' Motion *in Limine* No. 4: Motion to Exclude Reference to Annotations Provisions of Contracts

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Bart Williams

Bart Williams

cc: All Counsel